

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff :
: :
v. : CIVIL ACTION NO.
: :
CHERYL MCMAHON, :
: Defendant :
:

C O M P L A I N T

The United States of America, by its attorneys, David C. Weiss, United States Attorney in and for the District of Delaware, and Jennifer K. Welsh, Assistant United States Attorney for said district, complains of the defendant as follows:

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1345 in that the plaintiff is the United States of America on behalf of its agency, United States Department of Education.
2. Venue is properly set pursuant to 28 U.S.C. §1391 in that the defendant is a resident of the State of Delaware, a location within this Court's jurisdiction.
3. Defendant applied for and received Guaranteed Student Loan, under the loan guaranty program authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. §1071 et seq. (34 C.F.R. Part 682).
4. Defendant, **Cheryl McMahon**, is indebted to plaintiff in the principal amount of \$30,456.75, plus interest through June 18, 2018 for \$37,918.77, for a total of \$68,375.52 as of June 18, 2018, as set forth in the Certificate of Indebtedness attached hereto as Exhibit "A." Interest continues to accrue at the rate of 8.25% per annum.

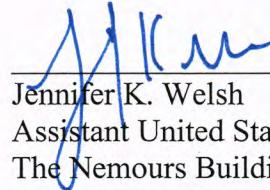
5. Defendant has failed to pay the aforesaid amounts although demand has been made for payment.

WHEREFORE, plaintiff demands judgment against the defendant, **Cheryl McMahon** in the total amount of **\$68,375.52** plus additional prejudgment interest accruing from June 18, 2018, until judgment is paid in full, and interest on the judgment at the legal rate, plus costs and other proper relief.

Respectfully submitted,

DAVID C. WEISS
United States Attorney

By:



Jennifer K. Welsh
Assistant United States Attorney
The Nemours Building
1007 Orange Street, Suite 700
P. O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277

**U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA**

CERTIFICATE OF INDEBTEDNESS #1 OF 1

CHERYL MCMAHON
28289 BASIN RD
MILLSBORO, DE 19966-2571
Account No. XXXXX1552

I certify that U.S. Department of Education records show that the BORROWER named above is indebted to the United States in the amount stated below plus additional interest from 06/18/18.

On or about 03/20/01, the BORROWER executed a promissory note to secure a Federal Family Education Loan Program Consolidation loan from Suntrust. This loan was disbursed for \$28,252.29 on 04/04/01 at 8.25% interest per annum. The loan obligation was guaranteed by Pennsylvania Higher Education Assistance Agency, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$94.50 to the outstanding principal owed on the loan. The BORROWER defaulted on the obligation on 03/28/03, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$30,456.75 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the BORROWER. The guarantor was unable to collect the full amount due, and on 06/16/08, assigned its right and title to the loan to the Department.

Since assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the BORROWER now owes the United States the following:

Principal:	\$30,456.75
Interest:	\$37,918.77
Total debt as of 06/18/18:	\$68,375.52

Interest accrues on the principal shown here at the rate of \$6.88 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 6/18/18

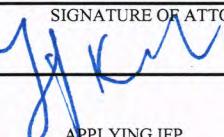


Gin Say Chan
Loan Analyst
Litigation Support Unit



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS UNITED STATES OF AMERICA		DEFENDANTS CHERYL MCMAHON 28289 BASIN ROAD, MILLSBORO, DE 19966																				
(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>NEW CASTLE COUNTY</u> (IN U.S. PLAINTIFF CASES ONLY)																				
(c) Attorney's (Firm Name, Address, and Telephone Number) Jennifer K. Welsh, AUSA, 1007 Orange Street, Suite 700 Wilmington, DE 19899		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)																				
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																				
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4																			
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5																			
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6																			
IV. NATURE OF SUIT (Place an "X" in One Box Only)																						
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V. ORIGIN (Place an "X" in One Box Only)		<input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) _____																				
		<input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment																				
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>20 U.S.C. SECTION 1071 et seq. (34 C.F.R. Part 682)</u>																						
Brief description of cause: <u>Defaulted Student Loan</u>																						
VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		DEMAND \$ <u>68,375.52</u>	CHECK YES only if demanded in complaint: <input type="checkbox"/> Yes <input type="checkbox"/> No JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No																			
VIII. RELATED CASE(S) IF ANY (See instructions): <u>JUDGE</u>		DOCKET NUMBER _____																				
DATE	SIGNATURE OF ATTORNEY OF RECORD																					
<u>7/17/2018</u> 																						
FOR OFFICE USE ONLY																						
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE																			
			MAG. JUDGE																			